



DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 NO. HARBOR DR.
SAN DIEGO, CA 92132-0058

IN REPLY REFER TO:
COMNAVREGSWINST 1900.4E
N05

03 NOV 2004

COMNAVREGSW INSTRUCTION 1900.4E

Subj: RESPONSIBILITIES FOR NAVAL PERSONNEL INCARCERATED BY
CIVILIAN AUTHORITIES

Ref: (a) OPNAVINST 5400.24D
(b) Chapter VI, JAGINST 5800.7D (JAGMAN)
(c) NAVADMIN 076/04
(d) MILPERSMAN 1910
(e) SECNAVINST 1920.6B

Encl: (1) Sample Letter Requesting Detainer
(2) Sample Letter Designating Local Activity to
Administratively Process Member
(3) Sample Message, Report of Naval Personnel held by
Civil Authorities for Commission of a Civilian
Offense

1. Purpose. To promulgate procedures and responsibilities for administrative processing of naval personnel confined by civilian authorities within the Commander, Navy Region Southwest's (CNRSW) Area of Responsibility (AOR).

2. Cancellation. COMNAVREGSWINST 1900.4D.

3. Policy. Pursuant to reference (a), CNRSW as regional area coordinator, has responsibility for tasking naval activities in CNRSW's AOR to investigate, report, monitor status, and provide administrative support for naval personnel detained in civilian confinement remote from their command. Naval personnel held by civil authorities shall be closely monitored and, when appropriate, provisions made for return to naval control. Ordinarily no attempts will be made to remove individuals from civilian custody for trial by military authorities, nor will any naval official seek release of an individual into naval custody with a promise either to pay/post bail or bond, or to deliver/ensure the individual's presence for trial or other judicial proceedings.

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4. Procedures

a. Upon notification of civil detention of naval personnel remote from their command, CNRSW will designate the naval activity/local coordinator nearest the civil confinement facility to act as the cognizant command.

b. In the event the service member is to be separated from the Navy, designated commands will ensure rapid execution of administrative discharge procedures.

c. In cases where a member is to be returned to naval control for trial, or to serve an adjudged sentence under military law, custody will be sought by means of a detainer as indicated in reference (b), filed with appropriate civil authorities. See enclosure (1).

5. Specific Responsibilities

a. Staff Judge Advocate (SJA) for CNRSW. As indicated in reference (c), Navy administrative separation procedures permit Commanding Officers to process service members for separation prior to final adjudication or conviction in civilian court. Upon receipt of notification from Navy Personnel Command (NAVPERSCOM) or from other sources of incarceration or conviction of a member of the naval service by civil authorities, the SJA for CNRSW shall designate the closest naval activity/local coordinator supporting that command to monitor and administratively process each individual case. See enclosure (2).

b. Local naval activities/coordinators.

(1) When assigned, investigate and monitor each individual case on a periodic basis, advising all concerned by naval message, enclosure (3).

(2) Prepare and deliver military detainer(s) to civil authorities.

(3) Deliver health and comfort articles as necessary.

(4) Provide counseling and naval chaplain support as appropriate.

(5) Act as military point of contact for civil authorities and for family members and next of kin.

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(6) Monitor dates/times of all court hearings as appropriate.

(7) Make immediate notification to all concerned of convictions, releases, etc.

(8) Upon receipt of appropriate documentation, begin administrative separation proceedings as appropriate in accordance with references (c), (d) and (e).

(9) When discharge authority is approved, effect separation in absentia. Mail all required documents by certified mail (return receipt requested) to the head of the confinement facility for delivery to the individual service member.


J. L. BETANCOURT

Distribution:

www.cnrsw.navy.mil/admin/menu.htm

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LETTER REQUESTING DETAINER
SAMPLE LETTER

(Date)

Dear Sir:

Pursuant to the Interstate Agreement on Detainers Act, 18 U.S.C. app. § 2 (2004), request detainer be lodged against: SA James John DOE, 123-45-6789, now being held in your custody, in favor of the United States Navy. He is wanted by the Navy for _____. Request this activity be notified of the time, date, and location of the trial of the above-named service member in advance, so that a Navy representative may be present and take action and/or obtain information necessary for the Department of the Navy.

If for any reason whatsoever _____ is to be released from your custody, request this office be notified sufficiently in advance of his release for the Navy to take appropriate legal action.

The point of contact of this command for this matter is _____, telephone _____.

Sincerely,

(Name)
(Rank), USN
Commanding Officer

* Letterhead

Enclosure (1)

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SAMPLE LETTER

1910

Ser N05

From: Commander, Navy Region Southwest
To: (Command)

Subj: DESIGNATION AS NAVAL ACTIVITY RESPONSIBLE FOR MONITORING
AND ADMINISTRATIVELY PROCESSING OF (RANK, FULL NAME, USN)
CONFINED IN CIVILIAN JAIL

Ref: (a) COMNAVREGSWINST 1900.4E

1. Pursuant to reference (a), your command is designated as the naval activity responsible for monitoring and administratively processing (rank, full name, U.S. Navy) who is being held or incarcerated in civilian jail based on charges (his/her conviction of _____). The command responsibilities in this matter are set forth in reference (a).

2. (Rank) _____, JAGC, U.S. Navy, is designated as a point of contact and may be reached at DSN 522-1418 or commercial (619) 532-1418.

I. M. SJA
Staff Judge Advocate
By direction

* Letterhead

Enclosure (2)

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REPORT OF NAVAL PERSONNEL HELD BY CIVIL AUTHORITIES
FOR COMMISSION OF A CIVIL OFFENSE

SAMPLE MESSAGE

FROM: COGNIZANT COMMAND
TO: NAVPERSCOM MILLINGTON TN//PERS 83//
INFO: COMNAVREGSW SAN DIEGO CA //NO5//
(CIVIL OFFENDER'S PARENT COMMAND)

SUBJ: CIVIL CONFINEMENT ICO (SNM) (PERS 8322) (PERS 843)

1. SNM ATTACHED TO (DUTY STATION) APPREHENDED BY CIVAUTH (CITY, STATE) (TIME, DATE) ON CHARGES ON (OFFENSE CHARGED). CONFINED (PLACE, CITY, STATE, COGNIZANT LOCAL OFFICIALS AND TELEPHONE NUMBERS) TO AWAIT (HEARING) (GRAND JURY TRIAL) (TRIAL) (SENTENCING). TENTATIVE (HEARING) (TRIAL) (OTHER) DATE _____.

2. (DATE) MILITARY DETAINER LODGED; BAIL STATUS _____. WILL MAINTAIN LIAISON.

3. POC IS (RATE/NAME) (TELEPHONE NO. COMMERCIAL AND DSN).